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CENTRAL FAX CENTERSerial No. 10/669,802 2
Docket No. C14-161741M/IST
(NGB.305)

MAR 04 2009

REMARKS

Claims 1-7 and 10-20 are all of the claims presently pending in the application.

Applicants have not amended the claims by the present response.

Claims 1, 3, 5, 7, and 10-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Yasuhara (U.S. Publication No. 2003/0053638). Claims 2, 4, and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yasuhara in view of Applicant's Admitted Prior Art.

Applicants respectfully traverse these rejections in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention (e.g., as defined in claim 1) is directed to an acoustic device.

The acoustic device includes a plurality of sound sources, a first output unit for outputting sound based on sound signals from the sound sources, a first operation unit which is capable of turning on a power supply to the acoustic device, a second output unit for outputting sound based on sound signals from the sound sources, a second operation unit which is capable of turning on the power supply to the acoustic device; a mode setting unit setting either one of a first mode, in which the sound based on the sound signals from one of the sound sources are output from the first output unit, and a second mode, in which while the sound based on the sound signals from one of the sound sources are being output from the first output unit, the sound based on the sound signals from another sound source are output from the second output unit, and a control unit for controlling the mode setting unit to set the first mode or the second mode when the power supply to the acoustic device is turned on by the first operation unit, and controlling the mode setting unit to set the second mode and

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controlling the first output unit to be in a muted state when the power supply to the acoustic device is turned on by the second operation unit.

Accordingly, in the claimed invention, when the remote operation unit is arranged in the rear of the vehicle, the power source can be turned ON in the dual mode without burdening the operations of the front passenger. (See Application at page 5, lines 1-7). In addition, when the rear passenger turns ON the power source in the dual mode, it is possible to prevent the situation, in which the front passenger might otherwise be threatened by a sudden speaker output, reliably. (See Application at page 11, lines 16-24).

II. THE PRIOR ART REJECTIONS

A. The Yasuhara Reference

The Examiner alleges that Yasuhara teaches the claimed invention of claims 1, 3, 5, 7, and 10-20. Applicants submit, however, that Yasuhara does not teach or suggest each and every feature of the claimed invention.

That is, Yasuhara does not teach or suggest, "*the control unit for controlling the mode setting unit to set the second mode and controlling the first output unit to be in a muted state when the power supply to the acoustic device is turned on by the second operation unit.*"

Specifically, in Yasuhara, the entertainment system 1 can be turned on by power switch 21 of the head unit 2 or turned on when a DVD is inserted into the DVD player (external unit 4) ([0057 and [0058]). It is noted that the rear power switch 22, which the Examiner analogizes to the claimed second operation unit, cannot turn on the entertainment system 1 ([0048] and [0049]).

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The power switch 22 of Yasuhara may turn on the rear audio source only (see Yasuhara at paragraph [0122]). The rear audio source of Yasuhara, however, is not analogous to the claimed acoustic device. Indeed, the claimed acoustic device is most closely analogous to the entertainment system 1 of Yasuhara. As indicated above, the power switch 22 cannot turn on the entertainment system 1.

Therefore, Applicants submit that Yasuhara does not teach or suggest each and every feature of the claimed invention. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

B. Applicant's Admitted Prior Art

The Examiner alleges that Applicant's Admitted Prior Art would have been combined with Yasuhara to teach the claimed invention of claims 2, 4, and 6. Applicants submit, however, that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

First, Applicants maintain that Applicants have not admitted that the features recited in dependent claims 2, 4, and 6 are prior art.

The Examiner bases this allegation on Applicants' alleged failure to rebut the Examiner's taking of Official Notice with respect to the features recited in exemplary dependent claims 2, 4, and 6.

That is, in responding to the Examiner's rejection, it was not necessary for Applicants to address the specific features recited in dependent claims 2, 4, and 6, as Applicants rebutted the Examiner's rejection of the independent claims. Indeed, since the Examiner failed to establish a *prima facie* case of anticipation or obviousness of the independent claims, it was

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not necessary to address the limitations recited in the dependent claims to rebut the Examiner's rejections.

Accordingly, Applicants maintain that Applicants have not admitted that the features recited in exemplary dependent claims 2, 4, and 6 are prior art.

Second, Applicants submit that claims 2, 4, and 6 are allowable at least based on similar reasons to those set forth above, in section A, with respect to claims 1, 3, 5, 7, and 10-20.

Therefore, Applicants submit that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

III. STATEMENT OF SUBSTANCE OF INTERVIEW

As a preliminary matter, Applicants' representative would like to thank the Examiner for courtesies extended in the personal interview conducted on February 24, 2009.

The Examiner provided an Examiner's Interview Summary Record (PTOL-413) to Applicants' representative at the interview on February 24, 2009.

Applicants submit this Statement to comply with the requirements of M.P.E.P. § 713.04.

In the interview, Applicants' representative and the Examiner discussed the following:

A. Identification of claims discussed:

Claims 1 and 14.

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B. Identification of prior art discussed:

Yasuhara.

C. Identification of principal proposed amendments:

None.

D. Brief Identification of principal arguments:

Applicants' representative presented arguments similar to those set forth above in section II.

E. Results of the Interview:

In response to the arguments presented, the Examiner indicated that Applicants' should amend the claims to further define the terms recited therein. The Examiner indicated that she would maintain the current rejections.

The Examiner, however, suggested defining the "first output unit" as a front output unit or front speakers. The Examiner indicated that such an amendment would likely overcome the current rejections.

F. Conclusion:

Applicants respectfully disagree with the Examiner and submit that Yasuhara does not teach or suggest each and every element of the claimed invention.

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IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicants submit that claims 1-7 and 10-20, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. Applicants respectfully request the Examiner to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, Applicants requests the Examiner to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The undersigned authorizes the Commissioner to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,



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I hereby certify that I am filing this paper via facsimile, to Group Art Unit 2627, at (571) 273-8300, on March 4, 2009.

Respectfully Submitted,



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